

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Jarett	Team: Team # 5	CCRB Case #: 200707739	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/27/2007 9:00 PM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 11/27/2008	EO SOL 11/27/2008	
Date/Time CV Reported Sun, 05/27/2007 9:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/01/2007 3:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Leonard Clarke	27183	940013	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joshua Baez	05276	938010	070 PCT
2. POM Joseph Beresky	06783	937898	070 PCT
3. POM Daniel Desalvo	30890	938332	044 PCT
4. SGT Harry Santiago	03465	918285	PBBS TF
5. POM Jason Greenberg	05648	940214	070 PCT
6. POM Gladstone Haynes	20629	938645	070 PCT
7. POF Candace Harris	00955	936735	070 PCT
8. POM Thomas Gugliucci	20705	940225	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leonard Clarke	Abuse: PO Leonard Clarke threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Leonard Clarke	Abuse: PO Leonard Clarke refused to provide his name and/or shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Leonard Clarke	Force: PO Leonard Clarke struck § 87(2)(b) foot with a police vehicle.	§ 87(2)(b)

### Synopsis

On May 27, 2007, between 3:30pm and 5pm, § 87(2)(b) called the police repeatedly to complain about neighbors of his who were allegedly harassing him and playing loud music. Officer Leonard Clarke and Officer Thomas Gugliucci responded to § 87(2)(b)'s home, located at § 87(2)(b) in Brooklyn. Because there was no loud music playing and because they did not witness any violations, the officers deemed the calls unnecessary. When Officer Clarke responded a second time, he threatened to arrest § 87(2)(b) if he continued to call for the police (**allegation a**). § 87(2)(b) alleges that he then asked Officer Clarke for his name and shield number, but Officer Clarke did not provide it (**allegation b**). § 87(2)(b) then alleges that as the officers drove away, Officer Clarke ran over his foot, which caused him to fall backwards, and although he was yelling for help, they did not stop (**allegation c**).

§ 87(2)(g)

This case was originally assigned to Inv. Gene Schildkraut. Upon leaving the CCRB, the case was re-assigned to Inv. Jarett on July 2, 2008. § 87(2)(g)

§ 87(2)(b) The statute of limitations expires on November 27, 2008.

### Summary of Complaint

§ 87(2)(b) a § 87(2)(b)-old white male § 87(2)(b) who stands at 5'9" and weighs 170 pounds, filed his complaint with the IAB on May 27, 2007 (encl. 3a-b), and it was received at the CCRB on June 1, 2007 (encl. 8a-b). § 87(2)(b) provided a statement under the name § 87(2)(b) to IAB on May 27, 2008 (encl. 5a-d); He provided statements to medical personnel at the § 87(2)(b) on § 87(2)(b) (encl. 6a). § 87(2)(b) also provided a letter signed § 87(2)(b) to IAB chronicling what he believes are hate crimes being perpetrated against him by his neighbors, because he is white and also because he is Jewish, and then included this incident (encl. 7a-h). § 87(2)(b) provided a phone statement to the CCRB on June 8, 2007 (encl. 9a-b) and was interviewed at the CCRB on June 19, 2007 (encl. 10a-f) and participated in a photo viewing on February 12, 2008 (encl. 11a-e). As of February 1, 2008, § 87(2)(b) had not filed a Notice of Claim regarding this incident (encl. 18d). § 87(2)(g)

On May 27, 2007, at approximately 3:30pm, § 87(2)(b) called the police to report that his neighbors had been harassing him for over a year, on May 26, 2007, they threatened him physically, and on May 27, 2007, his neighbors brought outdoor PA systems of "many thousands of watts, and pointed them," at his window. Two officers, identified through investigation as Officer Leonard Clarke, who was described as a black male, 5'10"- 11" tall, hefty build, approximately 180-190 pounds, bald head and dressed in uniform, and Officer Thomas Gugliucci, described as a white male, 5'9"-10" tall, thin build, brown hair, had a mustache, green eyes and was dressed in uniform, responded to § 87(2)(b) in Brooklyn in a marked car. Because § 87(2)(b) had a video recorder, Officer Clarke told § 87(2)(b) that he should go inside because he was not allowed to video tape what Officer Clarke said to the neighbors. § 87(2)(b) provided a 34-second videotape of this which is consistent with his CCRB testimony, with the exception that the music in the background is being played at a moderate volume, no one is yelling to be heard, and no faces are visible (encl. 4a). Officer Clarke told § 87(2)(b) that the music would be "taken care of." § 87(2)(b) went inside, and approximately two minutes later, the music started again, this time louder than it had been before. § 87(2)(b) called the police a second time at approximately 5:00pm, and it took them about an hour to respond.

At approximately 6:00pm, Officer Clarke and Officer Gugliucci responded to § 87(2)(b)'s home, and Officer Clarke was "very belligerent" about having to come back a second time. When Officer Clarke

exited the passenger side of the car, he walked around to the driver's side and leaned over the hood, approximately fifteen feet from where § 87(2)(b) was standing. Officer Clarke said "very disparaging things" such as, "All you need is a hug." § 87(2)(b) did not mention this in his letter, his statement to IAB, or his phone statement, but did mention it when he filed his complaint with IAB. Officer Clarke, who had to shout to be heard above the music, also told him that if he continued to call them about this situation, he would arrest § 87(2)(b). § 87(2)(b) characterized himself as defiant, and it's possible he asked for Officer Clarke's shield number, but he was unsure.

§ 87(2)(b) told Officer Clarke about the prior occurrences of harassment, including the physical threats of the previous night. § 87(2)(b) then turned to go into his house, when one of the neighbors yelled and called § 87(2)(b) a "faggot." § 87(2)(b) turned around and saw Officer Clarke leaning over the hood of his car smiling. § 87(2)(b) asked Officer Clarke if he heard what the neighbors said, and Officer Clarke asked, "Heard what?" § 87(2)(b) stated that it was "literally impossible" for Officer Clarke to not have heard the neighbor call him a faggot. § 87(2)(b) approached Officer Clarke and asked, "Sir, may I have your name and badge number?" As he asked, Officer Clarke walked around the rear of the car and got into the passenger seat and rolled up the window. § 87(2)(b) continued to ask for the information six or seven times by the time Officer Clarke got into the car to leave. He stated that he was upset and that his voice could definitely be heard above the music.

§ 87(2)(b) was standing between the police vehicle and a podium where a streetlamp had been removed for repair. The police car was parked with the passenger side toward § 87(2)(b)'s house and facing the dead end of the street. § 87(2)(b) was standing approximately six inches from the vehicle with his heels on the podium and his toes just on top of the curb. § 87(2)(b) believed he then saw Officer Clarke tell Officer Gugliucci, who was operating the vehicle, to "get the fuck out of here," because although the windows were rolled up, he was "pretty damn sure" that he saw Officer Clarke mouth those words. However, § 87(2)(b) said when he filed his complaint, in his IAB interview, and in his letter that he saw Officer Clarke mouth, "get out of here," and the word "fuck" did not appear until his phone interview.

§ 87(2)(b) stated that Officer Gugliucci drove forward, although it was determined through investigation to be Officer Clarke driving, and the rear passenger wheel of the police vehicle ran over § 87(2)(b)'s left foot, causing him to reel backwards and fall over the podium. § 87(2)(b) got some debris in his eye, which was very sensitive due to cataract surgery he had had a year earlier. The debris caused an infection of his eyelid. § 87(2)(b) suffered an achy left foot, a scrape on his right elbow and behind his right knee and bruises on his right arm. Photographs were taken during the interview of the remnants of his injuries. His camera that he was holding at the time was damaged when he fell over the podium. The officers made a U-turn at the end of the block and drove past § 87(2)(b).

§ 87(2)(b) who believed that the officers must have seen him on the ground, tried to get their attention; he yelled, "Stop! I'm hurt! You're in trouble." The officers did not stop, however. § 87(2)(b) did not remain on the ground. The music was still playing, and § 87(2)(b) stated that the neighbors on the block were enjoying the scene, particularly as he felt this incident was racially motivated because Officer Clarke and the neighbors were black and § 87(2)(b) is white.

On § 87(2)(b), § 87(2)(b) went to his doctor at the § 87(2)(b) (encl. 6a). § 87(2)(b) had waited § 87(2)(b) days because the day after the incident was a holiday, and he did not have the money to go to the emergency room. He was referred to have his foot x-rayed, but did not go. § 87(2)(b) stated that he got hurt in a car accident in which a police car ran over his left foot, and then fell backwards. § 87(2)(b) complained of mild tenderness in the 2<sup>nd</sup> metatarsal area on the top of his left foot.

§ 87(2)(b) provided photos in his letter that he took of his alleged injuries that occurred as a result of this incident. He chronicles a laceration and bruise on the back of his lower right thigh, a scrape on his right elbow, "road rash" (four small, round, evenly spaced circular lacerations), a bruise on his upper right thigh, bruises on his right arm, and photo of him with a swollen eyelid that he stated was the result of an eye infection from getting debris in his eye when he fell on the ground (encl. 7d-f).

On February 12, 2008, § 87(2)(b) participated in a photo viewing at the CCRB. The array included possible subject officers. At the time, however, Officer Clarke and Officer Gugliucci had not been identified as possible subject officers, so they were not included in the array. § 87(2)(b) did not pick any officers in the arrays presented to him.

### **Results of Investigation**

#### **POLICE OFFICER STATEMENTS**

##### ***Memo Book***

Officer Leonard Clarke did not have any memo book entries regarding this incident (encl. 12a-b).

##### ***CCRB Interview***

Officer Leonard Clarke, a § 87(2)(b)-old black male who stands at 5'11" and weighs 270 pounds, was interviewed at the CCRB on June 12, 2008 (encl. 12c-e).

On May 27, 2007, Officer Clarke worked from 12:00pm to 8:35pm. He was assigned to the 70<sup>th</sup> Precinct Conditions Unit with Officer Thomas Gugliucci. He was dressed in uniform and was the operator of a marked patrol car.

At approximately 6:00pm, Officer Clarke received a radio run for a disorderly group in the vicinity of § 87(2)(b) in Brooklyn (based on collected NYPD documentation, it was determined that the location of the call was § 87(2)(b)). When they arrived at the location, Officer Clarke saw a group of male youths, between ten and thirteen years old, playing around in their front yard. The youths were not acting disorderly. No one answered when Officer Clarke knocked on the door. Officer Clarke marked the job as 90X, which means it was unfounded.

Approximately ten minutes later, Officer Clarke received another radio run from the same location. Officer Clarke asked Central to check the call back. An individual, who Officer Clarke recognized as § 87(2)(b) from a photograph taken of him during his June 19, 2007, CCRB interview, came outside, told Officer Clarke his name and stated that the people next door were making a lot of noise, playing music, acting disorderly, coming into his yard, and calling him names. There was no loud music playing, however, nor was there during any of the subsequent calls Officer Clarke responded to that evening at this location. Officer Clarke talked to the four or five youths, who told Officer Clarke that they were just hanging out and that § 87(2)(b) was continuously harassing them. Officer Clarke told the youths to stay in their yard and not to say anything else to § 87(2)(b). Officer Clarke did not hear the youths make any comments regarding § 87(2)(b)'s race or sexuality during this or any subsequent visits to the location that evening.

Officer Clarke could not do take any legal action because no crime was committed, and no form of harassment was made in his presence. Officer Clarke returned to § 87(2)(b) and explained the situation. § 87(2)(b) insisted that the youths be arrested. § 87(2)(b) said that Officer Clarke was not doing anything, and he told Officer Clarke that he wanted his name and shield number. Officer Clarke told § 87(2)(b) that he could have whatever he wanted and that his name and shield number were written on his badge. During the three minutes he stood talking to § 87(2)(b) he did not see § 87(2)(b) take out a pen and paper and record Officer Clarke's name and shield number. Officer Clarke did not verbally provide the information, and he assumed that § 87(2)(b) memorized the information while they were talking. Officer Clarke did not recall if § 87(2)(b) asked Officer Gugliucci for his name and shield number. § 87(2)(b) repeatedly stated, "I'm sick of this. Every day something's going on." Officer Gugliucci also told § 87(2)(b) that he could not keep calling the police, but Officer Gugliucci did not tell § 87(2)(b) that he could be arrested. Officer Clarke then got into the marked patrol car and left.

Approximately ten minutes later, Officer Clarke received another radio run from the same location. Officer Clarke advised Central that he already responded twice to the location and that § 87(2)(b) would probably be a chronic, but he responded to the location anyway. Officer Clarke returned to § 87(2)(b).

§ 87(2)(b) and asked § 87(2)(b) if the youths were doing anything different. § 87(2)(b) responded, "No, they're not, but I still want something done, and I'm going to keep calling the cops all day until something is done." § 87(2)(b) then said that he was going to call IAB, and he felt that he was being mistreated because he is Jewish. § 87(2)(b) said, "You're only doing this because I'm Jewish and you're black." Officer Clarke responded, "Sir, that's sick. There's nothing I'm not doing because of race. My partner's white, I'm black, it has nothing to do with race whatsoever." Officer Clarke did not tell § 87(2)(b) that he was sick and just needed a hug. Officer Clarke told § 87(2)(b) that if continued to call the police, he could be subject to arrest because he would be preventing Officer Clarke from responding to other jobs. Officer Clarke explained that § 87(2)(b) could have been arrested for obstructing governmental administration for repeatedly filing unfounded calls that prevented Officer Clarke from responding to more serious emergencies. Officer Clarke then left the location.

Another call came over the radio, and other officers responded to the call. Later in the night, another radio run came from the same location, and Officer Clarke responded. § 87(2)(b) was standing outside, and he told Officer Clarke, "I don't even want to deal with you, leave me alone." Officer Clarke informed § 87(2)(b) that he could not keep calling the police for no reason. Officer Clarke remained in his car throughout this interaction. § 87(2)(b) stood next to the car while talking to Officer Clarke, but he walked away before Officer Clarke drove away. § 87(2)(b) did not complain that the officers ran over his foot with their car. Officer Clarke did not mouth to Officer Gugliucci, "Get the fuck out of here," during any of their visits to the location. Officer Clarke then left the location and returned to the 70<sup>th</sup> Precinct stationhouse. While at the stationhouse, Officer Clarke heard another call come over the radio for the same location. The other sectors that responded to the location also reported that the calls were unfounded. Officer Clarke has not seen § 87(2)(b) since this incident.

**Officer Thomas Gugliucci, 70<sup>th</sup> Precinct, Subject Officer**  
**Memo Book**

Officer Gugliucci's memo book was destroyed in a flood according to the 70<sup>th</sup> Precinct (encl. 19p) and therefore he did not have it at the time of his interview.

**CCRB Interview**

Officer Thomas Gugliucci, a § 87(2)(b)-old white male who stands at 6'3" and weighs 225 pounds, was interviewed at the CCRB on July 31, 2008 (encl. 13a-b).

On May 27, 2007, Officer Gugliucci worked from 12:00pm until 8:00pm on an auto conditions assignment. He was working with Officer Leonard Clarke and was in uniform. They were assigned to a marked car. Officer Clarke was driving and Officer Gugliucci was the recorder.

§ 87(2)(g) Officer Gugliucci believed that during their second interaction with § 87(2)(b) he had a video camera with him and filmed for a few seconds. Officer Gugliucci, who did not get out of the car during the second incident and did not hear § 87(2)(b) ask Officer Clarke for his name and shield number, did not believe he said anything to § 87(2)(b) during any of the interactions. Officer Gugliucci did say that given the fact that § 87(2)(b) was very loud and was reacting to things they did not observe (such as the loud music), he thought that perhaps § 87(2)(b) was an emotionally disturbed person.

§ 87(2)(g)

**MEDICAL RECORDS**

On § 87(2)(b) § 87(2)(b) went to the § 87(2)(b) (encl. 15a-q). His chief complaint was that he got hurt by a car accident with a police car, which ran over his left foot, and § 87(2)(b) fell backward. He did not go to the emergency room. § 87(2)(b) was thirsty and had frequent urination and a family history of diabetes. § 87(2)(b) wanted a referral for a chiropractic clinic. § 87(2)(b)

§ 87(2)(b) did have a few abrasions on his right thigh and left wrist. § 87(2)(b) had mild tenderness in the 2<sup>nd</sup> metatarsal area of his left foot, on the top, but no swelling. § 87(2)(b) had a contusion on his left foot and neck pain, although no focal deficit. § 87(2)(b) was referred to a chiropractor and to get an X-ray for his left foot.

§ 87(2)(b) mentioned in his visit that he suffers from bipolar disorder, was starting a new therapist and had cataract surgery.

## **POLICE DOCUMENTS**

### **911 and 311 calls**

On May 27, 2007, § 87(2)(b) called 911 and 311 multiple times, resulting in SPRINTS § 87(2)(b) placed at 5:48pm, and § 87(2)(b) placed at 8:51pm (encl. 16a-f), which were transcribed from the audio CD. No music can be heard in the background of any of his calls.

At 5:48pm, when § 87(2)(b) placed his first call to 911, the operator asked him three times for his address. § 87(2)(b) claimed he could not hear her request, but eventually provided it without her having to repeat the request. § 87(2)(b) repeated that his neighbors at § 87(2)(b) in Brooklyn were harassing him by playing loud music beneath his window, and threatening him verbally and "physically" and using racial epithets toward him because he is white and Jewish, which had been happening for months. § 87(2)(b) felt his neighbors were "retaliating" against him because he filed complaints about them. § 87(2)(b) stated that they needed to send an officer immediately because he "felt like [he was] at Waco under siege."

At 8:51pm, § 87(2)(b) called 311 and was transferred to 911, where he reported that he called the police to complain about the teenage children of his neighbors harassing him and his dogs and playing loud music beneath his window. He said that the police officers who responded to his earlier complaints did absolutely nothing. § 87(2)(b) stated that he could not reach the 70th Precinct because "their phones are off the hook." He characterized the situation as very serious because it was a situation of racial hatred against him. He stated that he filmed the incident so that whoever responds could hear how loud the music was.

At 8:59pm, § 87(2)(b) called 911 again and asked to speak with a supervisor. He stated that he was "extremely" upset by what the officer said to him, which he had videotaped. § 87(2)(b) was irate, and operator 1091 had to tell him to "take it easy." Operator 1091 connected § 87(2)(b) with Officer Henry Ohuche at IAB. § 87(2)(b) told operator 1091 that he wanted to make a report against the officer who responded to his call, and he wanted the officer's name and shield number.

When connected with Officer Ohuche, § 87(2)(b) started yelling that he needed another "unbiased" officer to respond and listen to the loud music, which was keeping him from being able to "concentrate on anything," and he wanted the responding officer to tell his neighbors to shut off the music. He stated again that his neighbors were playing the music to harass him because he is white and Jewish. § 87(2)(b) told Officer Ohuche that his neighbors physically assaulted him on May 26, 2007, and during May 27, 2007, his neighbors have been calling him "horrible epithets, both racial and otherwise." He stated that the officers who responded said that the music is not loud enough and that the neighbors were not doing anything wrong.

§ 87(2)(b) asked Officer Ohuche for his name and shield number. Officer Ohuche gave his name, but he said that he could not give his shield number to § 87(2)(b). § 87(2)(b) also asked for the name and shield number of the officer who responded to his call. When Officer Ohuche told § 87(2)(b) that he did not have the officer's information, § 87(2)(b) interrupted him and said, "I want you to get it. I need it, and I want it now. He refused to give it to me when I asked him on camera." Officer Ohuche asked operator 1091 to send the patrol supervisor to § 87(2)(b) and he requested that the patrol supervisor call the dispatcher upon completion.

§ 87(2)(b) repeated that he wanted the information for the officer who responded to his call so he could "press charges" against him. Officer Ohuche stated that a supervisor was responding.

### **Roll Call**

The Tour 3 roll call on May 27, 2007 for the 70<sup>th</sup> Precinct (encl. 16g-h) shows Officer Clarke and Officer Gugliucci assigned to conditions.

### **CRIMINAL CONVICTION HISTORY**

§ 87(2)(b) [§§ 86(1)(3)&(4)] § 87(2)(c)

### **CIVILIAN CCRB HISTORIES**

This complaint is the third of four § 87(2)(b) has filed (encl. 2d-e). § 87(2)(b)

### **OFFICER CCRB HISTORIES**

During Officer Clarke's and Officer Gugliucci's 2-year tenures on the force, they have had no allegations substantiated against them (encl. 2a-c).

### **Conclusions and Recommendations**

### **OFFICER IDENTIFICATION**

Officer Clarke and Officer Gugliucci were identified by their own testimony placing them at the different incidents and because they matched the physical descriptions provided by § 87(2)(b)

### **AGREED FACTS AND ISSUES IN DISPUTE**

The following facts are **not in dispute**: § 87(2)(b) called 911 multiple times because he feels that his neighbors are harassing him; these calls were characterized as unnecessary by the NYPD; Officer Clarke threatened to arrest § 87(2)(b)

§ 87(2)(g)

### **ASSESSMENT OF EVIDENCE**

§ 87(2)(b) felt that he was "under siege" by his neighbors, who he stated made threats against him, used obscene language with him, and played loud music directed towards him. § 87(2)(g)

§ 87(2)(b) during the video clip § 87(2)(b) provided as well as with the repeated calls he made to 911 and 311, music is either being played at a moderate level, or no music can be heard at all. Furthermore, § 87(2)(b) characterized the officers as having to yell at him to be heard over the music, yet in the video clip he provided, the officer was speaking at a moderate level. The officers corroborate that the music was not playing loudly and that they were not shouting. § 87(2)(g)

§ 87(2)(b) stated in his CCRB interview that the second time the officers responded, Officer Clarke made "disparaging" remarks, an example of which is that he needed a hug. Both officers denied Officer Clarke saying this, and § 87(2)(b) who provided multiple statements to IAB and the CCRB, only mentioned this in one other statement. § 87(2)(g)

During the second interaction § 87(2)(b) had with Officer Clarke, the officer threatened to arrest him. Officer Clarke did not deny this, and explained that because § 87(2)(b) kept calling 911 for

emergencies, which caused them to respond to what was deemed to be repeated unnecessary calls, he could have arrested § 87(2)(b) for obstruction of governmental administration. When it was clear that Officer Clarke was going to leave the scene, § 87(2)(b) alleges that one of his neighbors called him a “faggot.” Although § 87(2)(b) characterized the music as being so loud that Officer Clarke had to yell to be heard above it, § 87(2)(b) states that in the same moment, someone who was even farther away from him yelled something that everyone should have been able to hear. The officers denied hearing the neighbors using any offensive language while they were there. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

At this point § 87(2)(b) asked Officer Clarke for his name and shield number. Officer Clarke stated that this did occur, when they were having a conversation, and Officer Clarke told § 87(2)(b) that the information was on his visible shield. Although Officer Clarke did not see § 87(2)(b) write this information down, he assumed § 87(2)(b) memorized it. Officer Gugliucci did not hear § 87(2)(b) ask Officer Clarke for his name and shield number, although he did not get out of the car. However, § 87(2)(b) was consistent in his 911 calls and his statements that Officer Clarke did not provide his name and shield number, and that he did not ask Officer Clarke during their conversation, but as he was walking away, making it clear that nothing would be done regarding the noise complaint. However, § 87(2)(b) also told the 911 operator that he had recorded this interaction on videotape, but it was not in the video he provided to the CCRB. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Officer Clarke then got into the car and in his original statements to IAB and in the letter he said he could see Officer Clarke mouth the words, “Get out of here.” However, in his phone statement and CCRB interview, he said he could see Officer Clarke mouth the words, “Get the fuck out of here.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleges that when the officers drove away, they ran over his foot, which caused him to fall backwards, causing him to have what he characterized as an achy or bruised left foot, and various scrapes and bruises, and the debris he got in his eye caused an eye infection. However, although § 87(2)(b) went to his doctor § 87(2)(b) days later and was given a referral to get an X-ray of his foot, he never did. § 87(2)(g)

§ 87(2)(g) Officer Clarke and Officer Gugliucci denied running over § 87(2)(b) or seeing him on the ground.

**Allegation A: PO Leonard Clarke threatened to arrest § 87(2)(b)**

When § 87(2)(b) made clear to the officers that he felt that his neighbors should be arrested, and that the officers should not be deeming these calls unnecessary, and as a result he would continue to complain, Officer Clarke told him that if he continued to call he would be arrested. According to the Penal Laws regarding obstruction of governmental administration, “a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function... by means of interfering, whether or not physical force is involved, [including] with a telephone (encl. 1a).” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)



§ 87(2)(g)

**Allegation B: PO Leonard Clarke refused to provide his name and/or shield number to § 87(2)(b)**

§ 87(2)(g)

**Allegation C: PO Leonard Clarke ran over § 87(2)(b)'s foot with a police vehicle.**

Neither officer stated that they ran over § 87(2)(b)'s foot or saw him on the ground asking for help as they drove away. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: